



United Nations  
Educational, Scientific and  
Cultural Organization

UNESCO Bangkok  
HIV/AIDS Coordination and School Health Unit

# Compendium

Conventions and Laws Guaranteeing All Children  
the Equal Right to a Quality Education in an Inclusive Setting  
Philippine Version



Compendium : conventions and laws guaranteeing all children the equal right to a quality education in an inclusive setting; Philippines. Bangkok: UNESCO Bangkok, 2008, 55 p.

1. Right to education. 2. Inclusive education. 3. AIDS.
4. Educational quality. 5. Educational legislation. 6. Philippines.
7. Guides.

ISBN 978-92-9223-159-0 (Print version)

ISBN 978-92-9223-160-6 (Electronic version)

Idea, editing and development:

Terje Magnussønn Watterdal, Alexander Thomas Hauschild, Simon Baker, Johan Lindeberg, Linda Santiago Posadas, Mira Fajar and Stephen E. Alcantara

Development:

IDPN Indonesia, Braillo Norway and IDP Norway

Cover photo: IDP Norway

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Published by the

UNESCO Asia and Pacific Regional Bureau for Education

920 Sukhumvit Rd., Prakanong

Bangkok 10110, Thailand

Printed in Indonesia

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HIV/AIDS/07/OP/079-1500

# Foreword

This Compendium has been developed to ensure that all children who are vulnerable to exclusion and marginalisation are able to realise their right to quality education in an inclusive setting. Millions of children in the Philippines are still denied access to schooling or they are in school but not learning to the fullest of their potentials. Children continue to be marginalised and excluded because of different abilities and disabilities, their gender, their HIV and health status as well as their social, economic, cultural, ethnic, language and religious backgrounds.

Since the establishment of the United Nations in 1946, the UN system has been one in placing importance to children. Simultaneously in the same year, the United Nations Educational, Scientific and Cultural Organization [UNESCO] was organized as a non-political body to combat the problems of mankind. One of the significant documents drawn up then, by the expert educators and scientists, who were elected as members, was the Declaration on the Rights of the Child, which Dr. Maria Montessori authored. She stated that the people of the world should join *“an active social campaign to make the child understood... Several revolutions have been waged on behalf of submerged classes in society - on behalf of slaves, workers, women, and child laborers, etc. All these movements were limited to a certain place and time. Never has there been such a universal social problem as the oppression of the child by the adult. It knows no limits in caste, race, country or epoch”*. Paradoxically, the oppressors love the children. But, it is more the child being misunderstood.

The fundamental problem of education is the conflict between the adult and the child. The adults are ignorant of the true nature of children for actually *“the child is in the process of becoming and the adult has already reached the norms of the species”*.

This Compendium is a timely initiative and is an important tool in creating awareness among key government and non-government stakeholders about the true nature of the child from birth to 18 years and the child's legal rights to good parenting, quality education, state care and protection.

The goal of EFA [Education for All] and LIFE [Literacy Initiative for Empowerment] can only be achieved if adult authorities will recognize and respect the true sustainable nature of the child in his four periods of maturation: I - Learning to Be [0 to six years old]; II - Learning to Learn [six to twelve]; III - Learning to Work [12 to 18]; and IV - Learning to Live with others in Harmony.

With the general support of the world parties, all Filipino adults, media men, educators, businessmen, and civic organization leaders must be committed as the Keepers of the Flame: *“The flame lies within each child. It is the flame of God... One day, it will lead the destiny of this nation.”*

Ambassador Preciosa S. Soliven, Ed.D.  
Secretary-General  
UNESCO National Commission of the Philippines



# Introduction

To succeed in the struggle towards equal access for ALL children to quality education, regardless of their abilities or disabilities, their gender, their social, economic, cultural, ethnic or religious backgrounds, or their HIV and health status it is essential that schools, communities, faith-based and other non-governmental organizations, as well as education authorities are aware of and act on their legal responsibilities. Furthermore, government and non-government efforts towards education for all must be comprehensive and holistic - education, health and social sectors must work together and coordinate their programs.

The education sector must show leadership and courage in the fight for the right of ALL children to education, care and protection. Schools and education authorities must educate and empower children and young adults to respond effectively to the many challenges facing them in the 21<sup>st</sup> century, among others; war and military conflicts, civil and religious strife, economic and social injustice, discrimination and intolerance, drugs, the HIV and AIDS epidemic as well as natural disasters often resulting from the rapid destruction of the environment.

Responding effectively to these and other challenges, leaders in communities, schools, organizations and government departments as well as in churches, mosques and temples must lead *“... with a clear vision and imaginative action ... They must dare to be different, and they must prepare for the course to be difficult. They will be faced with tough decisions, and they must come up with bold and innovative responses. This is what leaders are for, and the AIDS epidemic will test their leadership skills to the limits.”*  
Nelson Mandela

Children and young adults develop knowledge, values and skills in school that will guide them through life. Inclusive and child-friendly schools are designed to be responsive to the individual needs of all their students, thereby helping them to develop the self-esteem and skills necessary to protect themselves and

others against discrimination, abuse, violence, drugs and HIV. In inclusive and child-friendly schools and communities children and young adults will learn to embrace diversity. They will develop empathy with children and young adults who are vulnerable to marginalization and exclusion - helping to ensure that these children are included in their classes, schools and communities.

In spite of numerous international conventions and agreements as well as national laws guaranteeing all children access to education, care and protection, more than one million school-age children are out of school in the Philippines. Some of these children never enroll, others drop out or are expelled from school, often because education authorities, schools and communities do not fully realize their legal responsibility to provide quality education for ALL children, regardless of their abilities or disabilities, their gender, their social, economic, cultural, ethnic or religious backgrounds, or their HIV and health status.

Therefore, in an effort to increase awareness among legislators, government officials, faculty members in primary, secondary and tertiary education institutions, school administrators, students, parents, education activists, and other key stakeholders, about their legal and moral responsibilities, we have developed an accessible and reader-friendly Compendium on a rights-based approach to education.

The Compendium is a collection of short versions and excerpts from relevant conventions, agreements, laws, declarations and recommendations. The full versions are available online and most will be available as hard copies through the Department of Education, UNESCO, UNDP, UNAIDS and UNICEF.

It is our sincere hope that this Compendium will become an important tool in creating awareness among, and encouraging response from key stakeholders, to ensure equal access and right of ALL children to quality education, care and protection in an inclusive setting in future.

The Compendium Development Team

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# Universal Declaration of Human Rights

## Preamble

[...] Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

## Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

## Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

## Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

## Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Inclusive education is a human right, it's good education and it makes good social sense

### HUMAN RIGHTS

1. All children have the right to learn together.
2. Children should not be devalued or discriminated against by being excluded or sent away because of their disability or learning difficulty.
3. Disabled adults, describing themselves as special school survivors, are demanding an end to segregation.
4. There are no legitimate reasons to separate children for their education. Children belong together - with advantages and benefits for everyone. They do not need to be protected from each other.

### GOOD EDUCATION

5. Research shows children do better, academically and socially, in inclusive settings.
6. There is no teaching or care in a segregated school which cannot take place in an ordinary school.
7. Given commitment and support, inclusive education is a more efficient use of educational resources.

### SOCIAL SENSE

8. Segregation teaches children to be fearful, ignorant and breeds prejudice.
9. All children need an education that will help them develop relationships and prepare them for life in the mainstream.
10. Only inclusion has the potential to reduce fear and to build friendship, respect and understanding.

[Centre for Studies on Inclusive Education;  
<http://inclusion.uwe.ac.uk/csie/10rsns.htm>]

What do human rights have to do with HIV/AIDS?

Human rights are inextricably linked with the spread and impact of HIV/AIDS on individuals and communities around the world. A lack of respect for human rights fuels the spread and exacerbates the impact of the disease, while at the same time HIV/AIDS undermines progress in the realisation of human rights. This link is apparent in the disproportionate incidence and spread of the disease among certain groups which, depending on the nature of the epidemic and the prevailing social, legal and economic conditions, include women and children, and particularly those living in poverty. It is also apparent in the fact that the overwhelming burden of the epidemic today is borne by developing countries, where the disease threatens to reverse vital achievements in human development. AIDS and poverty are now mutually reinforcing negative forces in many developing countries.

[OHCHR; <http://www.ohchr.org/english/issues/hiv/introhiv.htm>]



Full Version - English:  
<http://www.un.org/Overview/rights.html>

Other languages:  
<http://www.unhcr.ch/udhr/navigate/alpha.htm>

# The 1987 Constitution of the Republic of the Philippines

## Article 14:

### SEC. 1.

The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

### SEC. 2.

The State shall:

(1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;

(2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age;

(3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;

(4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs; and

(5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

### SEC. 3.

(1) All educational institutions shall include the study of the Constitution as part of the curricula.

(2) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.

(3) At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools within the regular class hours by instructors designated or approved by the religious authorities of the religion to which the children or wards belong, without additional cost to the Government.

### SEC. 5.

(1) The State shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.

(2) Academic freedom shall be enjoyed in all institutions of higher learning.

(3) Every citizen has a right to select a profession or course of study, subject to fair, reasonable, and equitable admission and academic requirements.

(4) The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State.

(5) The State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment.



## Executive Order No. 163 on the Commission on Human Rights

[http://www.chr.gov.ph/main%20pages/about%20us/03exec\\_order.htm](http://www.chr.gov.ph/main%20pages/about%20us/03exec_order.htm)

### Section 3

The Commission on Human Rights shall have the following powers and functions:

- Investigate, on its own or on complaint by any party all forms of human rights violations involving civil and political rights;
- Adopt its operational guidelines and rules of procedure, and cite for contempt for violations thereof in accordance with the rules of Court.
- Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad and provide for preventive measures and legal aid services to the under-privileged whose human rights have been violated or need protection;
- Exercise visitorial powers over jails, prisons, or detention facilities;
- Establish a continuing program of research, education and information to enhance respect for the primacy of human rights;
- Recommend to the Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;
- Monitor the Philippine Government's compliance with international treaty obligations on human rights;
- Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;
- Request the assistance of any department, bureau, office or agency in the performance of its functions;
- Appoint its officers and employees in accordance with law; and
- Perform such other duties and functions as may be provided by law.

### Section 4

The presidential committee on human Rights, [...] is hereby abolished. The Commission on Human Rights shall exercise such functions and powers of the presidential committee on Human Rights under Executive Order No. 8, as modified, which are not inconsistent with the provisions of the 1987 Constitution. [...].

### Section 6

All laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

### Section 7

This Executive Order shall take effect immediately.

Done in the City of Manila, this 5<sup>th</sup> day of May, in the year of our Lord, nineteen hundred and eighty-seven.

CORAZON C. AQUINO  
President of the Philippines



# Convention on the Rights of the Child

## It Is Every Child's Right

- To be born, to have a name and nationality;
- To have a family who will love and care;
- To live in a peaceful community and a wholesome environment;
- To have adequate food and a healthy and active body;
- To obtain a good education and develop my potential;
- To be given opportunities for play and leisure;
- To be protected against abuse, exploitation, neglect, violence and danger;
- To be defended and given assistance by the government;
- To be able to express my own views.

*“... Remember that people do not start at the age of twenty, at ten or at six, but at birth. In your efforts at solving problems, do not forget that children and young people make up a vast population, a population without rights which is being crucified on school-benches everywhere, which - for all that we talk about democracy, freedom and human rights - is enslaved by a school order, by intellectual rules which we impose on it. We define the rules which are to be learnt, how they should be learnt and at what age. The child population is the only population without rights. The child is the neglected citizen. ...”*

[Excerpt of a speech by Maria Montessori at the first meeting of the Governing Board of the UNESCO Institute for Education on 19 June 1951; published in “Towards an Open Learning World: 50 Years UNESCO Institute for Education” by the UNESCO Institute of Education in 2002; page 34]

## Convention on the Right of the Child:

### Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. [...]

### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, [...]

### Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

**Article 23**

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. [...]

**Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; [...]

**Article 29**

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment. [...]

**Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

**Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. [...]

**Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.



**Full Version - English:**

<http://www.ohchr.org/english/law/pdf/crc.pdf>

**Full Version - Other Languages:**

<http://www.unicef.org/magic/briefing/uncorc.html>

**Further information:**

UNHCHR: <http://www.ohchr.org/english/bodies/crc/index.htm>

UNICEF: <http://www.unicef.org/crc>

CRIN: <http://www.crin.org>

EENET: <http://www.eenet.org.uk>

# Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act

## Section 4 - Formulation of the Program

There shall be a comprehensive program to be formulated by the Department of Justice and Department of Social Welfare and Development in coordination with other government agencies and private sector concerned, within one (1) year from the effectivity of this Act, to protect children against child prostitution and other sexual abuse; child trafficking, obscene publications and indecent shows; other acts of abuse; and circumstances which endanger survival and normal development.

## Section 5. Child Prostitution and Other Sexual Abuse

Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

(a) Those who engage in or promote, facilities or induce child prostitution which include, but are not limited to, the following:

1. Acting as a procurer of a child prostitute;
2. Inducing a person to be a client of a child prostitute [...]
3. Taking advantage of influence or relationship [...]
4. Threatening or using violence [...]
5. Giving monetary consideration, goods or other pecuniary benefit [...]

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse [...]

© Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution [...]

## Section 7. Child Trafficking

Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. [...]

## Section 9. Obscene Publications and Indecent Shows

Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows[...] shall suffer the penalty of prison [...]

## Section 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.

(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development [...] shall suffer the penalty of prison mayor in its minimum period.

(b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of prison mayor [...]

(d) Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall imposed a penalty of Prison Mayor [...]

(e) Any person who shall use, coerce, force or intimidate a streetchild or any other child to:

1. Beg or use begging as a means of living;
2. Acts as conduit or middlemen in drug trafficking or pushing; or
3. Conduct any illegal activities, shall suffer the penalty of prison correccional in its medium period to reclusion perpetua. [...]



### Section 17. Survival, Protection and Development

In addition to the rights guaranteed to children under this Act and other existing laws, children of indigenous communities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.

### Section 18. System of and Access to Education

The Department of Education, Culture and Sports shall develop and institute an alternative system of education for children of indigenous cultural communities which is culture-specific and relevant to the needs and the existing situation in their communities. The Department of Education, Culture and Sports shall also accredit and support non-formal but functional indigenous educational conducted by non-governmental organization in said communities.

### Section 19. Health and Nutrition

The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority by all government agencies concerned. Hospitals and other health institutions shall ensure that children of indigenous cultural communities are given equal attention. [...]

### Section 20. Discrimination

Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination. [...]

### Section 21. Participation

Indigenous cultural communities, through their duly-designated or appointed representatives shall be involve in planning, decision-making, implementation, and evaluation of all government programs affecting children of indigenous cultural communities. [...]

### Section 22. Children as Zones of Peace

Children are hereby declared as Zones of Peace. It shall be the responsibility of the State and all other sectors concerned to resolve armed conflict in order to promote the goal of children as zones of peace. [...]

### Section 23. Evacuation of Children During Armed Conflict

Children shall be given priority during evacuation as a result of armed conflict. Existing community organizations shall be tapped to look after the safety and well-being of children during evacuation operations. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.

### Section 25 - Rights of Children Arrested for Reasons Related to Armed Conflict

Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights:

- (a) Separate detention from adults except where families are accommodated as family units;
- (b) Immediate free legal assistance;
- (c) Immediate notice of such arrest to the parents or guardian of the child; and
- (d) Release of the child on recognizance within twenty-four (24) hours to the custody of the Department of Social Welfare and Development or any responsible member of the community as determined by the court. [...]



courtesy of IDP Norway

Full Version:

<http://www.cwc.gov.ph/documents/ra7610.zip>

Further information:

CRIN: <http://www.crin.org>

EENET: <http://www.eenet.org.uk>

# UNGASS

## Declaration of Commitment on HIV/AIDS

17. Acknowledging that prevention of HIV infection must be the mainstay of the national, regional and international response to the epidemic; and that prevention, care, support and treatment for those infected and affected by HIV/AIDS are mutually reinforcing elements of an effective response and must be integrated in a comprehensive approach to combat the epidemic;

20. Emphasizing the important role of cultural, family, ethical and religious factors in the prevention of the epidemic, and in treatment, care and support, taking into account the particularities of each country as well as the importance of respecting all human rights and fundamental freedoms;

22. Noting the importance of establishing and strengthening human resources and national health and social infrastructures [...];

23. Recognizing that effective prevention, care and treatment strategies will require behavioural changes and increased availability of and non-discriminatory access to, inter alia, vaccines, condoms, microbicides, lubricants, sterile injecting equipment, drugs including anti-retroviral therapy, diagnostics and related technologies as well as increased research and development;

31. Affirming the key role played by the family in prevention, care, support and treatment of persons affected and infected by HIV/AIDS, [...];

32. Affirming that beyond the key role played by communities, strong partnerships among Governments, the United Nations system, intergovernmental organizations, people living with HIV/AIDS and vulnerable groups, medical, scientific and educational institutions, non-governmental organizations, the business sector including generic and research-based pharmaceutical companies, trade unions, media, parliamentarians,

foundations, community organizations, faith-based organizations and traditional leaders are important;

33. Acknowledging the particular role and significant contribution of people living with HIV/AIDS, young people and civil society actors in addressing the problem of HIV/AIDS in all its aspects [...];

37. By 2003, ensure the development and implementation of multisectoral national strategies and financing plans for combating HIV/AIDS that: address the epidemic in forthright terms; confront stigma, silence and denial; address gender and age-based dimensions of the epidemic; eliminate discrimination and marginalization; involve partnerships with civil society and the business sector and the full participation of people living with HIV/AIDS, those in vulnerable groups and people mostly at risk, particularly women and young people; are resourced to the extent possible from national budgets without excluding other sources, inter alia international cooperation; fully promote and protect all human rights and fundamental freedoms, [...];

52. By 2005, ensure: that a wide range of prevention programmes which take account of local circumstances, ethics and cultural values, is available in all countries, particularly the most affected countries, including information, education and communication, in languages most understood by communities and respectful of cultures, aimed at reducing risk-taking behaviour and encouraging responsible sexual behaviour, [...]

56. By 2005, develop and make significant progress in implementing comprehensive care strategies to: strengthen family and community-based care including that provided by the informal sector, and health care systems to provide and monitor treatment to people living with HIV/AIDS,

including infected children, and to support individuals, households, families and communities affected by HIV/ AIDS; [...];

58. By 2003, enact, strengthen or enforce as appropriate legislation, regulations and other measures to eliminate all forms of discrimination against, and to ensure the full enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS and members of vulnerable groups; [...]

60. By 2005, implement measures to increase capacities of women and adolescent girls to protect themselves from the risk of HIV infection, principally through the provision of health care and health services, including sexual and reproductive health, and through prevention education that promotes gender equality within a culturally and gender sensitive framework;

62. By 2003, in order to complement prevention programmes that address activities which place individuals at risk of HIV infection, such as risky and unsafe sexual behaviour and injecting drug use, have in place in all countries strategies, policies and programmes that identify and begin to address those factors that make individuals particularly vulnerable to HIV infection, [...]

65. By 2003, develop and by 2005 implement national policies and strategies to: build and strengthen governmental, family and community capacities to provide a supportive environment for orphans and girls and boys infected and affected by HIV/AIDS including by providing appropriate counselling and psycho-social support; ensuring their enrolment in school and access to shelter, good nutrition, health and social services on an equal basis with other children; to protect orphans and vulnerable children from all forms of abuse, violence, exploitation, discrimination, trafficking and loss of inheritance;

75. By 2003, develop and begin to implement national strategies that incorporate HIV/AIDS awareness, prevention, care and treatment elements into programmes or actions that respond to emergency situations, recognizing that populations destabilized by armed conflict, humanitarian emergencies and natural disasters, including refugees, internally displaced persons and in particular, women and children, are at increased risk of exposure to HIV infection; and, where appropriate, factor HIV/AIDS components into international assistance programmes;

82. Increase and prioritize national budgetary allocations for HIV/AIDS programmes as required and ensure that adequate allocations are made by all ministries and other relevant stakeholders;



Full version:

[http://www.ungass.org/index.php/en/ungass/declaration\\_of\\_commitment/ungass\\_declaration\\_of\\_commitment](http://www.ungass.org/index.php/en/ungass/declaration_of_commitment/ungass_declaration_of_commitment)

Further information:

UNGASS: <http://www.ungass.org>

UN: <http://www.un.org/ga/aids>

<http://www.un.org/ga/aidsmeeting2006>

<http://www.un.org/issues/docs/d-aids.html>

UNAIDS: <http://www.unaids.org/en/AIDSreview2006>

18. Reaffirm our commitment to implement fully the Declaration of Commitment on HIV/AIDS, entitled “Global Crisis Global Action”, adopted by the General Assembly at its twenty-sixth special session, in 2001; and to achieve the internationally agreed development goals and objectives, including the Millennium Development Goals [...]
20. Commit ourselves to pursuing all necessary efforts to scale up nationally driven, sustainable and comprehensive responses to achieve broad multisectoral coverage for prevention, treatment, care and support, with full and active participation of people living with HIV, vulnerable groups, most affected communities, civil society and the private sector, towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010;
26. Commit ourselves to addressing the rising rates of HIV infection among young people to ensure an HIV-free future generation through the implementation of comprehensive, evidence-based prevention strategies, responsible sexual behaviour, including the use of condoms, evidence- and skills-based, youth-specific HIV education, mass media interventions and the provision of youth-friendly health services;
27. Commit ourselves also to ensuring that pregnant women have access to antenatal care, information, counselling and other HIV services and to increasing the availability of and access to effective treatment to women living with HIV and infants in order to reduce mother-to-child transmission of HIV, as well as to ensuring effective interventions for women living with HIV, including voluntary and confidential counselling and testing, with informed consent, access to treatment, especially life-long antiretroviral therapy and, where appropriate, breast-milk substitutes and the provision of a continuum of care;
31. Commit ourselves to strengthening legal, policy, administrative and other measures for the promotion and protection of women’s full enjoyment of all human rights and the reduction of their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, as well as all types of sexual exploitation of women, girls and boys, including for commercial reasons, and all forms of violence against women and girls, including harmful traditional and customary practices, abuse, rape and other forms of sexual violence, battering and trafficking in women and girls;
32. Commit ourselves also to addressing as a priority the vulnerabilities faced by children affected by and living with HIV; providing support and rehabilitation to these children and their families, women and the elderly, particularly in their role as caregivers;
38. Reaffirm our commitment to implement fully the Declaration of Commitment on HIV/AIDS, entitled “Global Crisis Global Action”, adopted by the General Assembly at its twenty-sixth special session, in 2001; and to achieve the internationally agreed development goals and objectives, including the Millennium Development Goals [...]
42. Commit ourselves also to finding appropriate solutions to overcome barriers in pricing, tariffs and trade agreements, and to making improvements to legislation, regulatory policy, procurement and supply chain management in order to accelerate and intensify access to affordable and quality HIV/AIDS prevention products, diagnostics, medicines and treatment commodities;



# Philippine AIDS Prevention and Control Act of 1998

1998

## SECTION 2. Declaration of policies

[...] (a) The State shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive nationwide educational and information campaign organized and conducted by the State. [...] This program shall involve affected individuals and groups, including people living with HIV/AIDS.

(b) The State shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end:

- (1) maternal, infant and child health and nutrition;
- (2) family planning information and services;
- (3) prevention of abortion and management of its complications;
- (4) adolescent and youth health;
- (5) prevention and management of reproductive tract infections (RTIs), HIV/AIDS and other sexually transmittable infections (STIs);
- (6) elimination of violence against women;
- (7) education and counseling on sexuality and sexual health;
- (8) treatment of breast and reproductive tract cancers and other gynecological conditions;
- (9) male involvement and participation in reproductive health;
- (10) prevention and treatment of infertility and sexual dysfunction;

(c) The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission. [...]

## SECTION 4. HIV/AIDS education in schools

The Department of Education, Culture and Sports (DECS), the Commission on Higher Education (CHED), and the Technical Education and skills Development Authority (TESDA), [...] shall integrate instruction on the causes, modes of transmission and ways of preventing HIV/AIDS and other sexually transmitted diseases in subjects taught in public and private schools at intermediate

grades, secondary and tertiary levels, including non-formal and indigenous learning systems [...]

All teachers and instructors of said HIV/AIDS courses shall be required to undergo a seminar or training on HIV/AIDS prevention and control to be supervised by DECS, CHED and TESDA, in coordination with the Department of Health (DOH), before they are allowed to teach on the subject.

## SECTION 16. Prohibitions on compulsory HIV testing

Compulsory HIV testing as a precondition to employment, admission to educational institutions, the exercise of freedom of abode, entry or continued stay in the country, or the right to travel, the provision of medical service or any other kind of service, or the continued enjoyment of said undertakings shall be deemed unlawful.

## SECTION 30. Medical confidentiality

All health professionals, medical instructors, workers, employers, recruitment agencies, insurance companies, data encoders, and other custodians of any medical record, file, data, or test results are directed to strictly observe confidentiality in the handling of all medical information, particularly the identity and status of persons with HIV.



courtesy of IDP Norway

Full version:

[http://data.unaids.org/pub/Report/2006/20060615\\_HLM\\_PoliticalDeclaration\\_ARES60262\\_en.pdf](http://data.unaids.org/pub/Report/2006/20060615_HLM_PoliticalDeclaration_ARES60262_en.pdf)

Philippine AIDS Prevention and Control Act of 1998

[http://www.remedios.com.ph/fhtml/legislation\\_ra8504.htm](http://www.remedios.com.ph/fhtml/legislation_ra8504.htm)

Further information:

UNGASS: <http://www.ungass.org>

UN: <http://www.un.org/ga/aids>

<http://www.un.org/ga/aidsmeeting2006>

<http://www.un.org/issues/docs/d-aids.html>

UNAIDS: <http://www.unaids.org/en/AIDSreview2006>

# The Reproductive Health Care Act of 2002

## Section 3 Objectives

The Reproductive Health Care Act aims to:

- a. Provide couples and individuals timely, complete and accurate and education on reproductive health;
- b. Provide couples and individuals access to safe, affordable and quality reproductive health care services;
- c. Ensure the planning, implementation, and evaluation of appropriate and effective reproductive health care programs at the national and local levels including maternal, peri-natal, infant, and child health care; family planning information and services; services for the prevention of abortion and management of post-abortion complications; adolescent and youth health services; prevention and management of reproductive tract infections; elimination of violence against women; education and counseling on sexuality and sexual health; treatment of breast, reproductive tract cancers and other gynecological conditions; male involvement in reproductive health; and prevention and treatment of infertility and sexual dysfunction.

## Section 5 Reproductive Health Care Program

A Reproductive Health Care Program shall:

- a. Undertake programs and services towards educating people of their reproductive health and rights and increasing their access throughout their life to appropriate, affordable and quality reproductive health care, information and related services;
- b. Provide accurate information and education and counseling regardless of marital status, sex and age on the full range of legal and medically-safe family planning methods that include the relative benefits and risks of each method;
- c. Provide maternal, peri-natal, and post-natal education, care and services
- d. Develop and implement specific services that promote male involvement and responsibility in reproductive health as well as other reproductive health concerns of men;
- e. Undertake programs for the prevention of abortion and management of post-abortion complications. The government shall take appropriate steps to help women avoid abortion such as the conduct of education programs on preventing unintended pregnancies and ensuring access to quality family planning methods; the prevention of sexual violence on women and girl-children; and provision of social support to indigent women. While nothing in this Act changes the law on abortion, the government shall ensure that women seeking care for post-abortion complications shall be treated and counseled in a humane, non-judgmental and compassionate manner.
- f. Develop and undertake reproductive health programs for adolescents including information that will enable them to understand their sexuality and sexual responsibility. These shall include education on gender roles and values. Further, the program shall provide access to maternal health care, including pre-natal, peri-natal and post-natal care and services for pregnant adolescents; and services geared towards the special reproductive health needs of adolescents including the marginalized, street children, sexually abused children, the differently-abled person, and out-of-school youth.
- g. Undertake programs and services for the prevention and appropriate treatment of infertility;
- h. Undertake programs and services for the treatment of reproductive tract infections, HIV/AIDS and other STIs, breast cancer and other gynecological disorders;
- i. Provide education and information on human sexuality and responsible parenthood in schools, workplaces and communities;
- j. Provide information and services addressing the reproductive health needs of the marginalized, older persons, women in prostitution, the differently-abled person; and women and children in war crisis situations.
- k. Ensure that reproductive health services have adequate and a full range of supplies, facilities and equipment and that service providers are fully trained for reproductive health care.

### Section 6 Implementing Mechanism

A Reproductive Health Management Council [RHMC] shall be established in the Department of Health to incorporate reproductive health and rights concerns into its plans, programs and services. The RHMC shall be composed of various national agencies, local government units and the civil society.

The RHMC shall, as it may deem necessary, establish mechanisms that will implement the provisions of this Act.

The RHMC shall have the following functions and responsibilities:

- a. Formulate an integrated national policy and program on reproductive health that shall be implemented in the DOH - retained hospitals, the local government unit-managed health facilities, other health-related facilities operated by government organization, as well as health facilities and services operated and managed by the private sector, NGOs and other civil society organizations opt to participate in implementing said policy;
- b. Review national and local laws and policies that infringe on the sexual and reproductive health and rights of all individuals and couples and recommend to appropriate executive and/or legislative bodies the amendment and/or repeal of such law as and policies;
- c. Strengthen the capacities of health regulatory agencies to ensure safe, high-quality, accessible, and affordable reproductive health services and commodities with the concurrent strengthening and enforcement of regulatory mandates and mechanisms;
- d. Take active steps to expand the coverage of the National Health Insurance Program (NHIP), especially among the poor and marginalized women, to include the full range of sexual and reproductive health services, commodities and supplies as health insurance benefits.

- e. Promote the involvement and participation of and provide actual policy, program and financial support to civil society in reproductive health and family planning supplies and commodities to make them accessible and affordable to ordinary citizens. Civil society, represented by NGOs, women's organizations, and other groups shall be at least thirty per cent of all seats in the Reproductive Health Management Council.



courtesy of IDP Norway

Full Version:

[http://www.remedios.com.ph/fhtml/legislation\\_hb4110.htm](http://www.remedios.com.ph/fhtml/legislation_hb4110.htm)

Further information:

UNGASS: <http://www.ungass.org>

UN: <http://www.un.org/ga/aids>

<http://www.un.org/ga/aidsmeeting2006>

<http://www.un.org/issues/docs/d-aids.html>

UNAIDS: <http://www.unaids.org/en/AIDSreview2006>

# HIV and AIDS

## UNESCO

<http://www.unesco.org/aids>

## UNESCO Bangkok

<http://www.unescobkk.org/hivaids>

## UNAIDS

<http://www.unaids.org>

HIV prevention, like treatment, is for life. Instead of short-term or isolated prevention initiatives, effective national programmes need to sustain essential programmatic and policy actions at a sufficient scale over the long term, adapting them as the epidemic evolves, responding to changes in infection patterns and social environments. [UNAIDS; 2006 Report; p. 124]

Education has a documented impact on the pandemic. A study in 32 countries found that literate women were 4 times more likely than illiterate ones to know the main ways to avoid HIV/AIDS. [...] Schools can play an active role in mitigating the spread of the disease by providing reliable information and counselling, and taking measures to prolong girls' education. [UNESCO; EFA Global Monitoring Report 2006 - Summary; p. 8]

## What is HIV and AIDS

HIV stands for Human Immunodeficiency Virus. This is the virus known to cause AIDS (Acquired Immune Deficiency Syndrome). If someone is HIV-positive, it means they have been infected with the virus. A person infected with HIV does not have AIDS until the virus seriously damages their

immune system, making them vulnerable to a range of infections, some of which can lead to death. HIV is transmitted through body fluids in particular blood, semen, vaginal secretions and breast milk.

## Only 4 ways you can become HIV positive

1. Unprotected sexual intercourse with an infected partner (the most common);
2. Sharing needles or other contaminated injection or skin-piercing equipment;
3. Blood and blood products through, for example, infected transfusions and organ or tissue transplants;
4. Transmission from infected mother to child in the womb or at birth and breastfeeding.

## You cannot get HIV by

1. Shaking hands
2. Sharing cutlery
3. Hugging each other
4. Drinking from the work fountain
5. Using the same cup
6. Being a friend
7. Playing together
8. Learning together / going to the same school



As the UN specialised agency for education, UNESCO supports lifelong learning that builds and maintains essential skills, competencies, knowledge, behaviours and attitudes. This includes learning in formal educational settings [...]; through non-formal educational activities [...]; and through informal education through family and neighbours, work and play, the marketplace, the mass media and other resources found in the learners' environment.

The priority that UNESCO has given to education is based on the evidence that education - especially education on prevention - contributes toward the knowledge and skills essential for the prevention of HIV and protects individuals, families, communities, institutions and nations from the impact of AIDS. Education also helps to overcome the conditions that facilitate the spread of HIV, including poverty, ill-health, gender inequality, violence and abuse, particularly against girls and women. Beyond this, education can create the conditions of understanding, respect and tolerance - all of which contribute to reduced stigma and discrimination against vulnerable and marginalised communities and people living with HIV.

AIDS is among the key factors exerting pressure on education systems, particularly in countries in transition and least developed countries, as well as on the abilities of learners to access and complete education. While progress has been made in recent years in efforts to achieve Education for All (EFA), about 77 million children are still not enrolled in primary school, 55 percent of them girls. There is growing recognition that efforts aimed at achieving the EFA goal of universal primary education (EFA Goal 2) must be strongly linked with interventions supporting gender equality in education (EFA Goal 5); addressing the educational needs of young people and adults through appropriate learning and life skills programmes (EFA Goal 3); and reducing illiteracy, -particularly among women (EFA Goal 4).

There is also growing recognition among partners that EFA cannot be achieved without a much stronger overarching focus on HIV and AIDS. As a result, the Working Group on EFA had a session in its July 2006 meeting to discuss strategies to scale up and enhance attention to HIV and AIDS within the EFA framework. Ministers, top-officials of multilateral and

bilateral agencies, and leaders of civil society organizations reaffirmed the *"central role of education in enabling individuals, communities and nations to respond effectively to the challenges of HIV and AIDS, and in enabling learners to protect themselves and others from HIV"* at the High-Level Group on EFA in Cairo, Egypt in November 2006. [...]

UNESCO's Executive Board has included EDUCAIDS, the UNESCO-led UNAIDS Global Initiative on Education and HIV & AIDS, as one of three core priority initiatives within EFA, acknowledging the importance of comprehensive education sector engagement as part of the national response to HIV and AIDS. EDUCAIDS links with these core initiatives for maximum synergy and impact.

Through EDUCAIDS, UNESCO and its partners support countries to implement comprehensive, scaled-up educational programmes on HIV and AIDS that cover: content, curriculum and learning materials; educator training and support; policy management and systems; and that ensure quality and the full utilisation of approaches and entry points, through both formal and non-formal education. Its aims are promoted through greater collaboration among UNAIDS Cosponsors and key stakeholders, including national authorities, ministries [...], bilateral agencies and civil society groups at the country level.

Recent research through a 'global readiness survey' of national education sector capacity to respond to the epidemic, undertaken in over 70 countries, demonstrates that encouraging progress has been made, but much more is still required. For example, the study revealed that while nearly three-quarters of the participating ministries of education have dedicated HIV and AIDS management structures in place, only one-third have adopted a sector-specific HIV and AIDS policy. Moreover, national education sector responses continue to emphasise HIV prevention, with comparatively little attention to issues of treatment, care and support, workplace issues, and management of the impact of HIV and AIDS.

In order to achieve the maximum effectiveness of educational efforts on HIV and AIDS, holistic approaches are required along a continuum from prevention to treatment, care and support. [...]

# Convention against Discrimination in Education

## Article 1

1. For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or reference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man. [...]

## Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of article 1 of this Convention:

- (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- (b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in

particular for education of the same level;

- (c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

## Article 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

- (a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;
- (b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;
- (c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;
- (d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;
- (e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

## Article 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances

and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

- a. To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;
- b. To ensure that the standards of education are equivalent in all public education institutions of the same level, and that the conditions relating to the quality of education provided are also equivalent;
- c. To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;
- d. To provide training for the teaching profession without discrimination.

#### Article 5

1. The States Parties to this Convention agree that:

- (a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;
- (b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education

of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, [...]

“At the heart of inclusive education is the right to education. Inclusive education is no more and no less than implementing the right to non-discrimination to and in education as laid down in the Universal Declaration of Human Rights (1948), reiterated by the Convention on the Rights of the Child (1989), the Salamanca Statement (1994) and the Dakar Framework for Action (2000). Every person has the right to belong to mainstream society, mainstream development and therefore to mainstream education! The question is whether we are ready to face the implications of such a position.”

[Els Heijnen; International Symposium on Inclusion and the Removal of Barriers to Learning, Participation and Development - 09/2005]



United Nations  
Educational, Scientific and  
Cultural Organization

Full version:

[http://www.unesco.org/education/pdf/DISCRI\\_E.PDF](http://www.unesco.org/education/pdf/DISCRI_E.PDF)

Further information:

UNESCO: <http://portal.unesco.org/education>

EENET: <http://www.eenet.org.uk>

# World Declaration on Education for All

## Meeting Basic Learning Needs

Every person - child, youth and adult - shall be able to benefit from educational opportunities designed to meet their basic learning needs.

## Shaping The Vision

To serve the basic learning needs of all requires more than a recommitment to basic education as it now exists. What is needed is an "expanded vision" that surpasses present resource levels, institutional structures, curricula, and conventional delivery systems while building on the best in current practices.

## Universalising Access And Promoting Equity

Basic education should be provided to all children, youth and adults.

## Focussing On Learning

Whether or not expanded educational opportunities will translate into meaningful development - for an individual or for society - depends ultimately on whether people actually learn as a result of those opportunities, i.e., whether they incorporate useful knowledge, reasoning ability, skills, and values.

## Broadening The Means And Scope Of Basic Education

Learning begins at birth.

- The main delivery system for the basic education of children outside the family is primary schooling.
- The basic learning needs of youth and adults are diverse and should be met through a variety of delivery systems.
- All available instruments and channels of information, communications, and social action could be used to help convey essential knowledge and inform and educate people on social issues.

## Enhancing The Environment For Learning

Learning does not take place in isolation. Societies, therefore, must ensure that all learners receive the nutrition, health care, and general physical and emotional support they need in order to participate actively in and benefit from their education.

## Strengthening Partnerships

National, regional, and local educational authorities have a unique obligation to provide basic education for all, but they cannot be expected to supply every human, financial or organizational requirement for this task. New and revitalized partnerships at all levels will be necessary:

## Developing A Supportive Policy Context

Supportive policies in the social, cultural, and economic sectors are required in order to realize the full provision and utilization of basic education for individual and societal improvement.

## Mobilising Resources

If the basic learning needs of all are to be met through a much broader scope of action than in the past, it will be essential to mobilize existing and new financial and human resources, public, private and voluntary.

## Strengthening International Solidarity

Meeting basic learning needs constitutes a common and universal human responsibility. It requires international solidarity and equitable and fair economic relations in order to redress existing economic disparities.



From: Embracing Diversity - UNESCO Toolkit for Creating  
Inclusive Learning-Friendly Environments [ILFE];  
Booklet 6: Creating a healthy and protective ILFE

## SKILLS-BASED HEALTH EDUCATION TO PREVENT HIV/AIDS

This section describes how skills-based health education can be used to prevent HIV/AIDS and reduce the stigmatization of those affected by the disease. The activities in this section, moreover, can be adapted for use in dealing with other health problems as discussed above.

Education is the key to reducing stigma and promoting greater understanding of HIV/AIDS. Your school is an important setting for educating children about HIV/AIDS, as well as for stopping the further spread of the HIV infection. Success in doing this depends upon how well we reach children and young adults in time to promote positive health behaviours and prevent the behaviours that place young people at risk.

Our crucial responsibility is to teach young people how to avoid either contracting the infection or transmitting it to others, as well as to promote the development of HIV-related school policies. In this way, we can make important improvements in the quality of health education provided to young people in our schools, and we can take an important step towards improving the health of our communities.

A skills-based approach to HIV/AIDS uses participatory (active) learning techniques to:

- examine their personal values and beliefs;
- decide what actions to take to protect themselves and others from HIV; and
- acquire skills that will help them to carry through on their decisions.

Skill-based health education to prevent HIV/AIDS can be linked to other relevant issues already addressed in many of our schools, including pregnancy and reproductive health, population education, family life education, and prevention of substance abuse.

What are some of the ways you can begin a skills-based programme to prevent HIV/AIDS amongst our children? Let's look at some of these in terms of activities that you and your schools can do, as well as what you can do with our children.



### Full version:

[http://www.unesco.org/education/efa/ed\\_for\\_all/background/jomtien\\_declaration.shtml](http://www.unesco.org/education/efa/ed_for_all/background/jomtien_declaration.shtml)

### Embracing Diversity - UNESCO Toolkit for Creating Inclusive, Learning-Friendly Environments:

<http://www2.unescobkk.org/elib/publications/032revised>

### Further information:

UNESCO: <http://www.unesco.org>

UNESCO Bangkok: <http://www.unescobkk.org>

EENET: <http://www.eenet.org.uk>

IDP Norway: <http://www.idp-europe.org>

# Salamanca Statement and Framework for Action on Special Needs Education

## Statement

### Article 2

We believe and proclaim that :

- every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning,
  - every child has unique characteristics, interests, abilities and learning needs,
  - education systems should be designed and educational programmes implemented to take into account the wide diversity of these characteristics and needs,
  - those with special educational needs must have access to regular schools which should accommodate them within a child centred pedagogy capable of meeting these needs,
  - regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; more over, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system.
- children and adults with special education needs,
  - encourage and facilitate the participation of parents, communities and organization of persons with disabilities in the planning and decision-making processes concerning provision for special educational needs,
  - invest greater effort in early identification and intervention strategies, as well as in vocational aspects of inclusive education,
  - ensure that, in the context of a systemic change, teacher education programmes, both pre-service and in-service, address the provision of special needs education in inclusive schools.

## Framework for Action

### Article 3

The guiding principle that informs this Framework is that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups. These conditions create a range of different challenges to school systems. In the context of this Framework, the term 'special educational needs' refers to all those children and youth whose needs arise from disabilities or learning difficulties. Many children experience learning difficulties and thus have special educational needs at some time during their schooling. Schools have to find ways of successfully educating all children, including those who have serious disadvantages and disabilities. There is an emerging consensus that children and youth with special educational needs should be included in the educational arrangements made for the majority of children. This has

### Article 3

We call upon all governments and urge them to:

- give the highest policy and budgetary priority to improve their education systems to enable them to include all children regardless of individual differences or difficulties,
- adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise, develop demonstration projects and encourage exchanges with countries having experience with inclusive schools,
- establish decentralized and participatory mechanisms for planning, monitoring and evaluating educational provision for

led to the concept of the inclusive school. The challenge confronting the inclusive school is that of developing a child-centred pedagogy capable of successfully educating all children, including those who have serious disadvantages and disabilities. [...]

#### Article 4

[...] It assumes that human differences are normal and that learning must accordingly be adapted to the needs of the child rather than the child fitted to preordained assumptions regarding the pace and nature of the learning process. A child-centred pedagogy is beneficial to all students and, as a consequence, to society as a whole. [...] it can substantially reduce the drop-out and repetition [...], while ensuring higher average levels of achievement. [...] Child-centred schools are, moreover, the training ground for a people-oriented society that respects both the differences and the dignity of all human beings.

#### Article 6

[...] Inclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights. [...]

#### Article 7

The fundamental principle of the inclusive school is that all children should learn together, wherever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognize and respond to the diverse needs of their students, [...]

#### Article 10

[...] Experience, moreover, suggests that inclusive schools, serving all of the children in a community, are most successful in eliciting community support and in finding imaginative and innovative ways of using the limited resources that are available.

#### Article 18

Educational policies at all levels, from the national to the local, should stipulate that a child with a disability should attend the neighbourhood school that is, the school that would be attended if the child did not have a disability. [...]

*"I've come to the frightening conclusion that I am the decisive element in the classroom. It's my personal approach that creates the climate. It's my daily mood that makes the weather. As a teacher, I have a tremendous power to make a child's life miserable or joyous. I can be a tool of torture or an instrument of inspiration. I can humiliate or honour, hurt or heal. In all situations, it is my response that decides whether a crisis will be escalated or de-escalated and a child humanised or dehumanised."*

Ginnot

*"... we already have enough knowledge to develop schools that can be successful in educating all children. The big question is, do we have the will to make it happen?"*

Mel Ainscow, University of Manchester



courtesy of IDP Norway

Full version - English:

[http://www.unesco.org/education/pdf/SALAMA\\_E.PDF](http://www.unesco.org/education/pdf/SALAMA_E.PDF)

Further information:

UNESCO: <http://www.unesco.org>

EENET: <http://www.eenet.org.uk/newsletters/news8/news8.shtml>

# The Dakar Framework - Education For All

## Article 3

[...] It is an education geared to tapping each individual's talents and potential, and developing learners' personalities, so that they can improve their lives and transform their societies.

## Article 6

Education is a fundamental human right. [...]

## Article 7

We hereby collectively commit ourselves to the attainment of the following goals:

- (i) expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
- (ii) ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality;
- (iii) ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skills programmes;
- (iv) achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;
- (v) eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality;
- (vi) improving all aspects of the quality of education [...].

## Article 8

To achieve these goals, we the governments, organizations, agencies, groups and associations represented at the World Education Forum pledge ourselves to: [...]

- (vii) implement as a matter of urgency education programmes and actions to combat the HIV/AIDS pandemic; [...]

## Article 15

Implementation of the preceding goals and strategies will require national, regional and international mechanisms to be galvanized immediately. To be most effective these mechanisms will be participatory and, wherever possible, build on what already exists. [...]

## Article 16

The heart of EFA activity lies at the country level. National EFA Forums will be strengthened or established to support the achievement of EFA. All relevant ministries and national civil society organizations will be systematically represented in these Forums. [...] Countries will prepare comprehensive National EFA Plans [...] goals; (within the national development planning framework and process.

## Article 27

The threat posed by HIV/AIDS to the achievement of EFA goals and to development more broadly, especially in sub-Saharan Africa, presents an enormous challenge. The terrifying impact of HIV/AIDS on educational demand, supply and quality requires explicit and immediate attention in national policy-making and planning. Programmes to control and reduce the spread of the virus must make maximum use of education's potential to transmit messages on prevention and to change attitudes and behaviours.

## Article 62

The HIV/AIDS pandemic is undermining progress towards Education for All in many parts of the world by seriously affecting educational demand, supply and quality. This situation requires the urgent attention of governments, civil society and the international community. Education systems must go through significant changes if they are to survive the impact of HIV/AIDS and counter its spread, especially in response to the impact on teacher supply and student



demand. To achieve EFA goals will necessitate putting HIV/AIDS as the highest priority in the most affected countries, with strong, sustained political commitment; mainstreaming HIV/AIDS perspectives in all aspects of policy; redesigning teacher training and curricula; and significantly enhancing resources to these efforts.

### Article 63

The decade has shown that the pandemic has had, and will increasingly have, a devastating effect on education systems, teachers and learners, with a particularly adverse impact on girls. Stigma and poverty brought about by HIV/AIDS are creating new social castes of children excluded from education and adults with reduced livelihood opportunities. A rights-based response to HIV/AIDS mitigation and ongoing monitoring impact of the pandemic on EFA goals are essential. This response should include appropriate legislation and administrative actions to ensure the right of HIV/AIDS affected people to receive education and to combat discrimination within the education sector.

### Article 64

Education institutions and structures should create a safe and supportive environment for children and young people in a world with HIV/AIDS, and strengthen their protection from sexual abuse and other forms of exploitation. Flexible non-formal approaches should be adopted to reach children and adults infected and affected by HIV/AIDS, with particular attention to AIDS orphans. Curricula based on life-skills approaches should include all aspects of HIV/AIDS care and prevention. Parents and communities should also benefit from HIV/AIDS-related programmes. Teachers must be adequately trained, both in-service and pre-service, in providing HIV/AIDS education, and teachers affected by the pandemic should be supported at all levels.

### Out-of-School Children: How Many And Who Are They?

[EFA Global Monitoring Report 2007, p. 3]

Progress is being made in reducing the number of primary school-age children who are not enrolled in school. Between 1999 and 2004 the number fell by around 21 million to 77 million. This is still very high, unacceptably so. Sub-Saharan Africa, and South and West Asia are home to more than three-quarters of these children, although the latter region halved its number between 1999 and 2004, mainly due to reductions in India. The global estimate, high though it is, understates the problem: data from household surveys show that many children enrolled in school do not attend regularly.

The children most likely to be out of school and to drop out live in rural areas and come from the poorest households. On average, a child whose mother has no education is twice as likely to be out of school as one whose mother has some education.



Full version:

[http://www.unesco.org/education/efa/ed\\_for\\_all/background/jomtien\\_declaration.shtml](http://www.unesco.org/education/efa/ed_for_all/background/jomtien_declaration.shtml)

Further information:

UNESCO: <http://www.unesco.org>

UNESCO Bangkok: <http://www.unescobkk.org>

EENET: <http://www.eenet.org.uk>

# Millennium Development Goals

All UN member states declared that by 2005 the following goals will be realised:

## Goal 1: Eradicate extreme poverty and hunger

- Reduce by half the proportion of people living on less than a dollar a day
- Reduce by half the proportion of people who suffer from hunger

## Goal 2: Achieve universal primary education

- Ensure that all boys and girls complete a full course of primary schooling

## Goal 3: Promote gender equality and empowerment of women

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015

## Goal 4: Reduce child mortality

- Reduce by two thirds the mortality rate among children under five

## Goal 5: Improve maternal health

- Reduce by three quarters the maternal mortality ratio

## Goal 6: Combat HIV/AIDS, malaria and other diseases

- Halt and begin to reverse the spread of HIV/AIDS
- Halt and begin to reverse the incidence of malaria and other major diseases

## Goal 7: Ensure environmental sustainability

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources
- Reduce by half the proportion of people without sustainable access to safe drinking water
- Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020

## Goal 8: Development a global partnership for development

- Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory, includes a commitment to good governance, development and poverty reduction nationally and internationally
- Address the least developed countries' special needs. This includes tariff- and quota-free access for their exports; enhanced debt relief for heavily indebted poor countries; cancellation of official bilateral debt; and more generous official development assistance for countries committed to poverty reduction
- Address the special needs of landlocked and small island developing States
- Deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term
- In cooperation with the developing countries, develop decent and productive work for youth
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries
- In cooperation with the private sector, make available the benefits of new technologies especially information and communications technologies

## Early Childhood Care and Development - ECCD Act

<http://www.cwc.gov.ph/documents/ra8980.PDF>

### Section 3 - Objectives

[...] (a) To achieve improved infant and child survival rates by ensuring that adequate health and nutrition programs are accessible to young children and their mothers from the pre-natal period throughout the early childhood years; (b) To enhance the physical, social, emotional, cognitive, psychological, spiritual and language development of young children; (c) To enhance the role of parents and other caregivers as the primary caregivers and educators of their children from birth onwards; (d) To facilitate a smooth transition from care and education provided at home to community or school-based setting and to primary school; (e) To enhance the capabilities of service providers and their supervisors [...]; (f) To enhance and sustain the efforts of communities to promote ECCD programs and ensure that special support is provided for poor and disadvantaged communities; (g) To ensure that young children are adequately prepared for the formal learning system and that both public and private schools are responsive to the developmental needs of these children; (h) To establish an efficient system for early identification, prevention, referral and intervention for developmental disorders and disabilities in early childhood; and (i) To improve the quality standards of public and private ECCD programs through, but not limited to, a registration and credential system for ECCD service providers.

### Section 5 - System Framework and Components

[...] (a) ECCD Curriculum - which focuses on children's total development according to their individual needs and socio-cultural background. It shall promote the delivery of complementary and integrative services for health care, nutrition, early childhood education, sanitation, and cultural activities. It shall use the child's first language as the medium of instruction.

(b) Parent Education and Involvement, Advocacy, and Mobilization of Communities -

which harness and develop parents' strengths as providers of ECCD at home, active partners of other stakeholders, advocates for community concerns that affect children, and pillars of support for local and national ECCD programs through community organization efforts.

(c) Human Resource Development Program - which establishes mechanisms for the systematic professionalization of ECCD service providers, through enrollment in educational programs in site-based or distance education modes, through pre-service or in-service training including continuing education programs, [...].

(d) ECCD Management - which focuses on a continuing process of planning, implementation, supervision, financial management, monitoring, evaluation and reporting. It shall encourage the active involvement and build the capabilities of service providers, parents, and local government officials to sustain the program, and it shall be guided by the principles of decentralization as stipulated in the Local Government Code of 1991.

(e) Quality Standards and Accreditation - which ensures that each component in the ECCD System complies with national quality standards, [...].



For further information please visit:

UN: <http://www.un.org/millenniumgoals>

UNDP: <http://www.undp.org/mdg>

UNAIDS: <http://www.unaids.org>

# Governance of Basic Education Act

## Section 2. Declaration of Policy

It is hereby declared the policy of the State to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children a free and compulsory education in the elementary level and free education in the high school level. Such education shall also include alternative learning systems for out-of-school youth and adult learners. It shall be the goal of basic education to provide them with the skills, knowledge and values they need to become caring, self-reliant, productive and patriotic citizens.

The school shall be the heart of the formal education system. It is where children learn. Schools shall have a single aim

## Section 3 Purposes and Objectives

The purposes and objectives of this Act are:

- (a) To provide the framework for the governance of basic education which shall set the general directions for educational policies and standards and establish authority, accountability and responsibility for achieving higher learning outcomes;
- (b) To define the roles and responsibilities of, and provide resources to, the field offices which shall implement educational programs, projects and services in communities they serve;
- (c) To make schools and learning centers the most important vehicle for the teaching and learning of national values and for developing in the Filipino learners love of country and pride in its rich heritage;
- (d) To ensure that schools and learning centers receive the kind of focused attention they deserve and that educational programs, projects and services take into account the interests of all members of the community;
- (e) To enable the schools and learning centers to reflect the values of the community by allowing teachers/learning facilitators and other staff to have the flexibility to serve the needs of all learners;

- (f) To encourage local initiatives for the improvement of schools and learning centers [...]

- (g) To establish schools and learning centers as facilities where schoolchildren are able to learn a range of core competencies prescribed for elementary and high school education programs or where the out-of-school youth and adult learners are provided alternative learning programs and receive accreditation for at least the equivalent of a high school education.

## Section 7. Powers, Duties and Functions

The Secretary of the Department of Education shall exercise overall authority and supervision over the operations of the Department.

### A. National Level

In addition to his/her powers under existing laws, the Secretary of Education shall have authority, accountability and responsibility for the following:

- (1) Formulating national educational policies;
- (2) Formulating a national basic education plan;
- (3) Promulgating national educational standards;
- (4) Monitoring and assessing national learning outcomes;
- (5) Undertaking national educational research and studies;
- (6) Enhancing the employment status, professional competence, welfare and working conditions of all personnel of the Department; and
- (7) Enhancing the total development of learners through local and national programs and/or projects. [...]

### B. Regional Level

Consistent with the national educational policies, plans and standards, the regional director shall have authority, accountability and responsibility for the following:

- (1) Defining a regional educational policy framework which reflects the values, needs and expectations of the communities they serve;



- (2) Developing a regional basic education plan;
- (3) Developing regional educational standards with a view towards benchmarking for international competitiveness;
- (4) Monitoring, evaluating and assessing regional learning outcomes; [...]
- (2) Creating an environment within the school that is conducive to teaching and learning;
- (3) Implementing the school curriculum and being accountable for higher learning outcomes;
- (4) Developing the school education program and school improvement plan;
- (5) Offering educational programs, projects and services which provide equitable opportunities for all learners in the community;
- (6) Introducing new and innovative modes of instruction to achieve higher learning outcomes;
- (7) Administering and managing all personnel, physical and fiscal resources of the school;
- (8) Recommending the staffing complement of the school based on its needs;
- (9) Encouraging staff development;
- (10) Establishing school and community networks and encouraging the active participation of teachers organizations, non-academic personnel of public schools, and parents-teacherscommunity associations; [...]

#### C. Division Level

[...] Consistent with the national educational policies, plans and standards, the schools division superintendents shall have authority, accountability and responsibility for the following:

- (1) Developing and implementing division education development plans;
- (2) Planning and managing the effective and efficient use of all personnel, physical and fiscal resources of the division, including professional staff development; [...]
- (5) Ensuring compliance of quality standards for basic education programs and for this purpose strengthening the role of division supervisors as subject area specialists; [...]
- (7) Supervising the operations of all public and private elementary, secondary [...]

#### D. Schools District Level

[...] The schools district supervisor shall be responsible for:

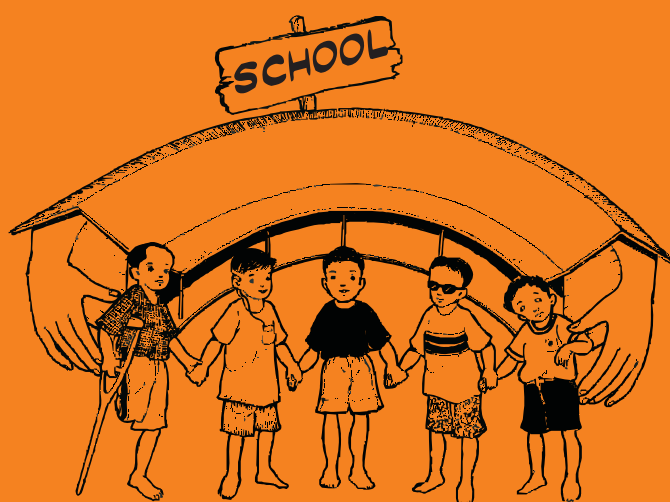
- (1) Providing professional and instructional advice and support to the school heads and teachers/facilitators of schools and learning centers in the district or cluster thereof;
- (2) Curricula supervision; [...]

#### E. School Level

There shall be a school head for all public elementary schools and public high schools or a cluster thereof. The establishment of integrated schools from existing public elementary and public high schools shall be encouraged. [...]

Consistent with the national educational policies, plans and standards, the school heads shall have authority, accountability and responsibility for the following:

- (1) Setting the mission, vision, goals and objectives of the school;



Full version:

<http://www.deped.gov.ph/cpanel/uploads/RA-9155.pdf>

Further information:

UNESCO: <http://www.unesco.org>

UNESCO Bangkok: <http://www.unescobkk.org>

EENET: <http://www.eenet.org.uk>

IDP Norway: <http://www.idp-europe.org>

# Bangkok Declaration of the Southeast Asian Ministers of Education Conference/UNESCO/SEAMEO

We, Ministers and High Officials of Ministries of Education from the 10 countries of Southeast Asia, met in a Ministerial Forum on 26 May in Bangkok, Thailand, to discuss the issue of “increasing access to, and the quality of, education through child-friendly learning environments”.

We recognize the following:

- That the ongoing SEAMEO project on “Quality and Equity in Education” highlights our concern for fulfilling the right of all children to obtain a basic education of good quality;
- That a comprehensive definition of quality and equity in education includes
  - a. inclusive education; and
  - b. Gender responsive education; and
  - c. Healthy and protective learning environments;
- That many countries in our region are developing and implementing educational innovations and systematic reforms;
- That many of these innovations are based upon a framework of child-friendly schools” and “child-friendly environments”.

We, therefore, agree to the following:

- To reaffirm our commitment to the shared vision on quality and equity in education in SEAMEO Member Countries, as stated in the SEAMEO Declaration on Quality and Equity in Education in Southeast Asia signed by SEAMEO Education Ministers at the 37th SEAMEO Council Conference in Chiang Mai, Thailand, in March 2002;
- To promote within our ministries of education a comprehensive definition of educational quality which ensures effective teaching and learning, but also includes
  - a. Inclusive education;
  - b. Gender responsive education; and

c. Healthy and protective learning environments;

- To share experience and best practices on, and where possible, further develop ongoing innovations and reforms [such as Child-Friendly Schools and SMART Schools] which pay particular attention to enhancing access to and quality of education through child-friendly school learning environments including their integration into both pre-service and in-service teacher education and support programmes;
- To promote within our ministries of education a systematic programme of capacity building in school-based management and community-based education which promotes school-community partnerships and the empowerment of educational stakeholders;
- To collaborate more actively and build partnerships and networks within SEAMEO, as well as explore possible collaborations with other countries, with relevant ministries in our governments and with interested development assistance agencies and non-government organizations, in efforts to address quality of education from a holistic perspectives;
- To annually review these efforts at the SEAMEO High Officials’ Meeting and explore further activities which could be undertaken to enhance access to and quality of education through child-friendly learning environments.

Bangkok, 26 May 2004

## From the Introduction of: Education in a Multilingual World

UNESCO Education Position Paper; 2003

[...]

Language and, in particular, the choice of language of instruction in education is one such concern and often invokes contrasting and deeply felt positions. Questions of identity, nationhood and power are closely linked to the use of specific languages in the classroom. Language itself, moreover, possesses its own dynamics and is constantly undergoing processes of both continuity and change, impacting upon the communication modes of different societies as it evolves. Educational policy makers have difficult decisions to make with regard to languages, schooling and the curriculum in which the technical and the political often overlap. While there are strong educational arguments in favour of mother tongue (or first language) instruction, a careful balance also needs to be made between enabling people to use local languages in learning, and providing access to global languages of communication through education. The purpose of this position paper, therefore, is to consider some of the central issues concerning languages and education and to provide related guidelines and principles. In doing so we are conscious of the need for a clear statement on language policy in relation to education, particularly within the context of Education for All and in terms of the Dakar goals of ensuring that by 2015 all children have access to quality primary education and that there is a 50 per cent increase in adult literacy by the year 2015.

In 1953 UNESCO published the expert report on The Use of Vernacular Languages in Education and this continues to be the most frequently cited UNESCO document on language issues in education. Significant changes have taken place over the past fifty years, however: there have been profound political transformations leading to new language policies especially in postcolonial and newly independent countries; many hundreds of languages have disappeared

throughout the world and many more remain endangered; migratory movements on a mass scale have brought new and varied languages to other countries and continents; the internet has dramatically affected the way in which language and languages are used for communication and indeed for learning; and rapidly accelerating globalization increasingly challenges the continued existence of many small, local identities frequently based on language. The time has come, therefore, for UNESCO to reconsider its position on languages and education.

This position paper is divided into three separate parts. In Part I, we present the key concepts [...] In Part II, we present a synthesis of the normative framework for languages and education based, [...] Part III of the position paper provides a synthesis of the many discussions and agreements on language issues that have been adopted under the auspices of both the United Nations and UNESCO. [...]



Full Version:

<http://www.idp-europe.org/indonesia/bkkforum.pdf>

Education in a Multilingual World:

<http://unesdoc.unesco.org/images/0012/001297/129728e.pdf>

Further Information:

SEAMEO: <http://www.seameo.org/vl/library/dlwelcome/photogallery/mou/bangkok>

# Recommendations of the International Symposium: Inclusion and the Removal of Barriers to Learning,

Taking account of national, regional and international obligations and commitments regarding the equal rights of children, the participants recommend that inclusive and child friendly education should be seen as:

- An approach to whole school improvement that will ensure that national strategies for 'Education for All' are really for all;
- A means of ensuring that all children receive quality care and education in their home communities as part of early child development, pre-school, primary and secondary education programmes, particularly those who are currently excluded from mainstream education or vulnerable to marginalisation and exclusion; and
- A contribution to the development of a society that respects and values the individual differences of all citizens.

This being the case, more than 500 participants from thirty countries attending this international symposium make the following recommendations for further enhancement of education systems in Asia and beyond:

1. Inclusion should be seen as a fundamental principle that provides the basis of all national policies
2. The concept of quality should focus on the social, emotional and physical development, as well as the academic achievements of children
3. National assessment and evaluation systems need to be revised in relation to the principle of non-discrimination and inclusion and the concept of quality mentioned above
4. Adults should respect and value all children, irrespective of their individual characteristics and circumstances, and take their views into account
5. All ministries should work together to develop common strategies towards inclusion
6. To ensure Education for All through the child friendly school (CFS) framework, the issue of non-discrimination and inclusion must be addressed in all dimensions of CFS, with coordinated and shared efforts between government and non-government organisations, donors, communities, local groups, parents, children and the private sector
7. All governments, and international and non-governmental organisations, should collaborate and co-ordinate their efforts to achieve sustainable development of inclusive communities and learning-friendly environments for all children
8. Governments should consider the social and economic implications of not educating all children, and should therefore include all school age children in their Education Management Information Systems (EMIS)
9. Pre- and in-service teacher education programmes should be revised in order to support the development of inclusive practices from early pre-school age and up with emphasis on a holistic understanding of child development and learning including early intervention
10. Governments (central, provincial and district) and schools should establish and sustain a dialogue with communities, including parents, about the value of a non-discriminatory and inclusive education system

The implication of these recommendations is that the principle of inclusion must be the basis of all strategies for raising standards within (formal and non-formal) education systems, developing child-friendly schools and, therefore, achieving Education for All. This must involve other agencies providing services to children and their families, such



# Participation and Development

as health and social authorities and organisations supporting at risk groups. It also requires a continued commitment to incountry and regional networking.

## Grounds for discrimination against Children

Source : Implementation Handbook for the Convention on the Rights of the Child; UNICEF 2002; p.28

- gender
- disability
- race, xenophobia and racism
- ethnic origin
- sexual orientation
- particular castes, tribes
- "untouchability"
- language
- children not registered at birth
- children born a twin
- children born on an unlucky day
- children born in the breech position
- children born in abnormal conditions
- a "one child" or "three child" policy
- orphans
- place of residence
  - distinction between different provinces/territories/states, etc.
  - rural (including rural exodus)
  - urban
  - children living in slums
  - children in remote areas and remote islands
  - displaced children
  - homeless children
  - abandoned children
  - children placed in alternative care
  - ethnic minority children placed in alternative care
  - institutionalized children
  - children living and/or working in the streets
- children involved in juvenile justice system
  - in particular, children whose liberty is restricted
- children affected by armed conflict
- working children
- children subjected to violence
- child beggars
- children affected by HIV/AIDS
- children of parents with HIV/AIDS
- young single mothers
- minorities, including
  - Roma children/gypsies/travellers/nomadic children
  - children of indigenous communities
- non-nationals, including
  - immigrant children
  - illegal immigrants
  - children of migrant workers
  - refugees/asylum-seekers
    - including unaccompanied refugees
- children affected by natural disasters
- children living in poverty/extreme poverty
- unequal distribution of national wealth
- social status/social disadvantage/social disparities
- children affected by economic problems/changes
- economic status of parents causing racial segregation at school
- parental property
- parents' religion
- religion-based personal status laws
- non-marital children (children born out of wedlock)
- children of single-parent families
- children in incestuous unions
- children of marriages between people of different ethnic/religious groups or nationalities



### Further information:

UNESCO Bangkok: [www.unescobkk.org/ie](http://www.unescobkk.org/ie)

IDP Norway: [www.idp-europe.org/symposium](http://www.idp-europe.org/symposium)

IDP Norway: [www.idp-europe.org/eenet](http://www.idp-europe.org/eenet)

# Inclusion

## IDDC Seminar on Inclusive Education

[http://www.eenet.org.uk/theory\\_practice/agra/agra.shtml](http://www.eenet.org.uk/theory_practice/agra/agra.shtml)

## Inclusive Education - Where there are few resources

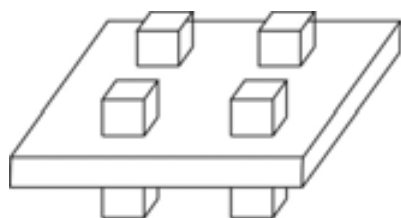
[www.eenet.org.uk/theory\\_practice/ie\\_few\\_resources.pdf](http://www.eenet.org.uk/theory_practice/ie_few_resources.pdf)

“In a school moving Towards Inclusion quality education should be provided in a child and learning friendly environment, where diversity is experienced, embraced and recognised as enrichment for all involved. Curricula, and teaching approaches and methods should be characterised by emphasising social aspects of learning, dialogue, sensitivity to children’s needs and interests, sharing - rather than competing and creative and flexible teachers and classroom management. All children, also children experiencing barriers to learning, development and participation, including children with disabilities, have the right for quality education in a school that is close to their home and a class that suits their age.”  
[By Miriam Donath Skjørten, 2005]

## Special Education

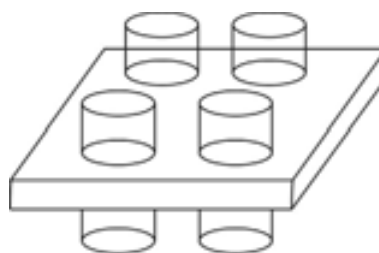
### Special Education

- Special child;
- Square pegs for square holes;
- Special teacher;
- Special school.



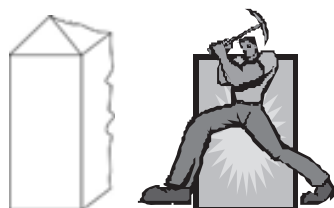
### ‘Normal Education’

- Normal child;
- Round pegs for round holes;
- Normal teachers;
- Normal schools.



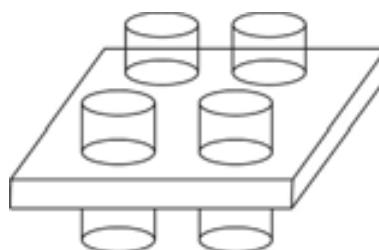
## Integrated Education

- Change the child to fit the system;
- Make the square peg round.

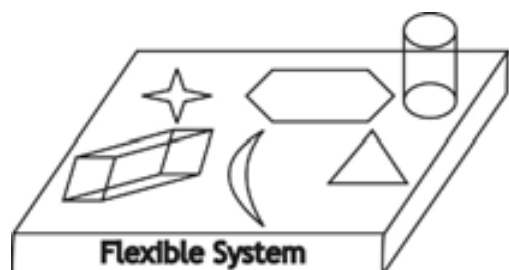


Therapy  
Rehabilitation

- System stays the same;
- Child must adapt or fail.



## Inclusive Education



- Children are different;
- All children can learn;
- Different abilities, ethnic groups, size, age, background, gender;
- Change the system to fit the child.

## From the Introduction Booklet of Embracing Diversity: UNESCO Toolkit for Creating Inclusive, Learning-Friendly Environments

An inclusive, learning-friendly environment (ILFE) welcomes, nurtures, and educates all children regardless of their gender, physical, intellectual, social, emotional, linguistic, or other characteristics. They may be disabled or gifted children, street or working children, children of remote or nomadic peoples, children from linguistic, ethnic or cultural minorities, children affected by HIV/AIDS, or children from other disadvantaged or marginalized areas or groups.

# Child Friendly Schools

## Embracing Diversity: UNESCO Toolkit for Creating Inclusive, Learning-Friendly Environments

<http://www2.unescobkk.org/elib/publications/032revised>

### Pro-Actively Inclusive

- Pro-actively seeking all children who are excluded from education
- Promoting the rights and well-being of All children in the community
- Respecting diversity and ensuring equality of opportunities
- Providing education that is free and compulsory, affordable and accessible

### Healthy, Safe and Protective

- Clean sanitary facilities
- Access to clean drinking water
- No corporal punishment or bullying
- HIV and AIDS prevention and non-discrimination of children affected/infected by HIV and AIDS

### Community Participation

- Family Focused:
  - Working to strengthen the family as a child's primary caregiver and educator
  - Helping children, parents and teachers establish harmonious, collaborative relationships
- Community Based:
  - Encouraging local partnership in education
  - Acting in and with the community for the sake of children

### Effective and Child-Centred

- Acting in the best interest of the child
- Concerned about the whole 'child': health, nutritional status and well-being
- Concerned about what happened to children before they enter school and after they leave school
- Creative classroom methods

### Gender Responsive

- Promoting gender equality in enrolment and achievement
- Not just equal numbers, but equity in content
- Eliminating gender stereotypes
- Guaranteeing girl-friendly facilities, curricula, textbooks and teaching

### Child-Friendly Systems

- Child friendly policies and regulations
- Flexible curricula
- Child friendly assessment and examination systems
- Guaranteeing access for all children to the neighbourhood school
- Collaboration between education, health and welfare systems

# The Standard Rules on the Equalization of Opportunities for Persons with Disabilities

## Rule 1: Awareness-raising

States should take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution.

## Rule 2: Medical care

States should ensure the provision of effective medical care to persons with disabilities.

## Rule 3: Rehabilitation

States should ensure the provision of rehabilitation services to persons with disabilities in order for them to reach and sustain their optimum level of independence and functioning.

## Rule 4: Support services

States should ensure the development and supply of support services, including assistive devices for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights.

## Rule 5: Accessibility

States should recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, States should (a) introduce programmes of action to make the physical environment accessible; and (b) undertake measures to provide access to information and communication.

## Rule 6: Education

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

## Rule 7: Employment

States should recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.

## Rule 8: Income maintenance and social security

States are responsible for the provision of social security and income maintenance for persons with disabilities.

## Rule 9: Family life and personal integrity

States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.

## Rule 10: Culture

States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.

## Rule 11: Recreation and sports

States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.

## Rule 12: Religion

States will encourage measures for equal participation by persons with disabilities in the religious life of their communities.

## Rule 13: Information and research

States assume the ultimate responsibility for the collection and dissemination of information on the living conditions of persons with disabilities and promote



comprehensive research on all aspects, including obstacles that affect the lives of persons with disabilities.

#### **Rule 14: Policy-making and planning**

States will ensure that disability aspects are included in all relevant policy-making and national planning.

#### **Rule 15: Legislation**

States have a responsibility to create the legal bases for measures to achieve the objectives of full participation and equality for persons with disabilities.

#### **Rule 16: Economic policies**

States have the financial responsibility for national programmes and measures to create equal opportunities for persons with disabilities.

#### **Rule 17: Coordination of work**

States are responsible for the establishment and strengthening of national coordinating committees, or similar bodies, to serve as a national focal point on disability matters.

#### **Rule 18: Organizations of persons with disabilities**

States should recognize the right of the organizations of persons with disabilities to represent persons with disabilities at national, regional and local levels. States should also recognize the advisory role of organizations of persons with disabilities in decision-making on disability matters.

#### **Rule 19: Personnel training**

States are responsible for ensuring the adequate training of personnel, at all levels, involved in the planning and provision of programmes and services concerning persons with disabilities.

#### **Rule 20: National monitoring and evaluation of disability programmes in the implementation of the Rules**

States are responsible for the continuous monitoring and evaluation of the implementation of national programmes and services concerning the equalization of opportunities for persons with disabilities.

#### **Rule 21: Technical and economic cooperation**

States, both industrialized and developing, have the responsibility to cooperate in and take measures for the improvement of the living conditions of persons with disabilities in developing countries.

#### **Rule 22: International cooperation**

States will participate actively in international cooperation concerning policies for the equalization of opportunities for persons with disabilities.



courtesy of IDP Norway

#### **Full version:**

<http://www.un.org/esa/socdev/enable/dissre00.htm>

#### **Further information:**

UN: <http://www.un.org/disabilities/convention>

UN: <http://www.un.org/esa/socdev/enable>

# UN Convention on the Rights of Persons with Disabilities

## Article 5: Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. [...]
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

## Article 7: Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration. [...]

## Article 9: Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life [...]. These measures [...] shall apply to, inter alia:
  - a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - b. Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
  - a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

- c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
- d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public; [...]
- g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

## Article 19 - Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

#### Article 24 - Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- a. Persons with disabilities are not excluded from the general education system on the basis of disability, [...]
- b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; [...]
- e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; [...]

#### Article 25 - Health

[...] States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. [...]

- 1. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- 2. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- 3. Provide these health services as close as possible to people's own communities, including in rural areas; [...]
- 5. Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance [...]



courtesy of IDP Norway

Full Version:

<http://www.un.org/disabilities/convention/conventionfull.shtml>



# Magna Carta for Disabled Persons

## Section 12 Access to Quality Education

The State shall ensure that disabled persons are provided with access to quality education and ample opportunities to develop their skills. It shall take appropriate steps to make such education accessible to all disabled persons.

It shall be unlawful for any learning institution to deny a disabled person admission to any course it offers by reason of handicap or disability.

The State shall take into consideration the special requirements of disabled persons in the formulation of educational policies and programs. It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration. [...]

## Section 13 Assistance to Disabled Students

The State shall provide financial assistance to economically marginalized but deserving disabled students pursuing post secondary or tertiary education. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives to qualified disabled students in both public and private schools. [...]

## Section 14 Special Education

The State shall establish, maintain and support complete, adequate and integrated system of special education for the visually impaired, hearing impaired, mentally retarded persons and other types of exceptional children in all regions of the country. Toward this end, the Department of Education, Culture and Sports shall establish, special education classes in public schools in cities, or municipalities. It shall also establish, where viable, Braille and Record Libraries in provinces, cities or municipalities. [...]

## Section 15 Vocational or Technical and Other Training Programs

The State shall provide disabled persons with training in civics, vocational efficiency, sports and physical fitness, and other skills. The Department of Education, Culture and Sports shall establish in at least one government-

owned vocational and technical school in every province a special vocational and technical training program for disabled persons. It shall develop and implement sports and physical fitness programs specifically designed for disabled persons taking into consideration the nature of their handicap.

## Section 16 Non-Formal Education

The State shall develop non-formal education programs intended for the total human development of disabled persons. It shall provide adequate resources for non-formal education programs and projects that cater to the special needs of disabled persons.

## Section 17 State Universities and Colleges

If viable and needed, the State University or State College in each region or province shall be responsible for (a) the development of material appliances and technical aids for disabled persons; (b) the development of training materials for vocational rehabilitation and special education instructions; (c) the research on special problems, particularly of the visually-impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students, mentally retarded, and multi-handicapped and others, and the elimination of social barriers and discrimination against disabled persons; and (d) inclusion of the Special Education for Disabled [SPED] course in the curriculum. [...]

## Section 18 National Health Program

The Department of Health in coordination with the National Council for the Welfare of Disabled Persons, shall institute a national health program which shall aim to attain the following:

- (a) prevention of disability, whether occurring prenatally or postnatally;
- (b) recognition and early diagnosis of disability; and
- (c) early rehabilitation of the disabled.

## Section 19 Rehabilitation Centers

The Department of Health shall establish medical rehabilitation centers in government provincial hospitals, and shall include in its annual appropriation the necessary funds for the operation of such centers. The



Department of Health shall formulate and implement a program to enable marginalized disabled persons to avail of free rehabilitation services in government hospitals.

### Section 20 Health Services

[...] The National Government shall provide an integrated health service for disabled persons which shall include, but not limited to, the following:

(a) prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling; and early detection of disability and timely intervention to arrest disabling condition; and

(b) medical treatment and rehabilitation  
The Department of Health shall field medical personnel specializing in the treatment and rehabilitation of disabled persons to provincial hospitals and, when viable, to municipal health centers. It shall also train its field health personnel in the provision of medical attention to disabled persons. It shall further ensure that its field health units have the necessary capabilities to fit prosthetic and orthotic appliances on disabled persons.

### Section 21 Auxiliary Social Services

The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs. Towards this end, the Department of Social Welfare and Development shall develop and implement programs on auxiliary social services that respond to the needs of marginalized disabled persons. [...]

### Section 25 Barrier-Free Environment

The State shall ensure the attainment of a barrier-free environment that will enable disabled persons to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law". [...]

### Section 26 Mobility

The State shall promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to

the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on such vehicles.

### Section 27 Access to Public Transport Facilities

The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons gain access in the use of public transport facilities. Such assistance may be in the form of subsidized transportation fare.

The said department shall also allocate such funds as may be necessary for the effective implementation of the public transport program for the disabled persons.

The "Accessibility Law", as amended, shall be made supplementary to this Act.

### Section 34 Public Transportation

It shall be considered discrimination for the franchisees or operators and personnel of sea, land, and air transportation facilities to charge higher fare or to refuse to convey a passenger, his orthopedic devices, personal effects, and merchandise by reason of his disability.



courtesy of IDP Norway

# Indigenous and Tribal Peoples Convention

## Article 7

[...] 2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement. [...]

## Article 25

1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.

2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.

3. The health care system shall give preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.

4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

## Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

## Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall

incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.

2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.

3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

## Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.

2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.

3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

## Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

### Article 30

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.

2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

### Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

## United Nations Declaration on the Rights of Indigenous Peoples - 2007

<http://www.ohchr.org/english/issues/indigenous/docs/draftdeclaration.pdf>

### Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

### Article 6

Every indigenous individual has the right to a nationality.

### Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.



Full version - English:

<http://www.ohchr.org/english/law/indigenous.htm>

# Worst Forms of Child Labour Convention

## Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

## Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - (c) ensure access to free basic education, and, wherever possible and appropriate,

vocational training, for all children removed from the worst forms of child labour;

(d) identify and reach out to children at special risk; and

(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

## Worst Forms of Child Labour Recommendation - 1999

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190>

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:

(a) identifying and denouncing the worst forms of child labour;

(b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;

(c) giving special attention to:

i. younger children;

ii. the girl child;

iii. the problem of hidden work situations, in which girls are at special risk;

iv. other groups of children with special vulnerabilities or needs;

(d) identifying, reaching out to and working with communities where children are at special risk;

(e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.



3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

Republic Act 7658 Section 12 - 1993

<http://www.cwc.gov.ph/documents/ra7658.zip>

Children below fifteen (15) years of age shall not be employed except:

1. When a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed: Provided, however, That his employment neither endangers his life, safety, health and morals, nor impairs his normal development: Provided, further, That the parent or legal guardian shall provide the said minor child with the prescribed primary and/or secondary education; or
2. Where a child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential: Provided, The employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned [...] and Provided, That the following requirements [...] are strictly complied with:
  - (a) The employer shall ensure the protection, health, safety, morals and normal development of the child;
  - (b) The employer institute measures to prevent the child's exploitation or discrimination [...]; and
  - (c) The employer shall formulate and implement [...] a continuing program for training and skills acquisition of the child.

12. Members should provide that the following worst forms of child labour are criminal offences:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

In the above exceptional cases where any such child may be employed, the employer shall first secure, before engaging child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements. [...]



courtesy of IDP Norway

Full version:

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190>

Further information:

ILO: <http://www.ilo.org>

ILO-IPEC: <http://www.ilo.org/public/english/standards/ipec>

UNICEF: [http://www.unicef.org/protection/index\\_childlabour.html](http://www.unicef.org/protection/index_childlabour.html)

An act providing for the elimination of the worst forms of child labor and affording stronger protection for the working child, amending for this purpose Republic Act No. 7610. As amended, otherwise known as the "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act."

SECTION 2 - Section 12 of the same Act, as amended, is hereby further amended to read as follows:

### *Section 12 - Employment of Children*

*Children below fifteen (15) years of age shall not be employed except:*

1) When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed: Provided, however, That his/her employment neither endangers his/her life, safety, health, and morals, nor impairs his/her normal development: Provided, further, That the parent or legal guardian shall provide the said child with the prescribed primary and/or secondary education; or

2) Where a child's employment or participation in public entertainment or information through cinema, theater, radio, television or other forms of media is essential: Provided, That the Employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment [...]

SECTION 3 - The same Act, as amended, is hereby further amended by adding new sections to be denominated as Sections 12A, 12B, 12C, and 12D to read as follows:

### *Section 12A - Hours of Work of a Working Child*

[...] (1) A child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week: Provided, That the work shall not be more than four (4) hours at any given day;

(2) A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week;

(3) No child below fifteen (15) years of age

shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day and no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day.

### *Section 12B - Ownership, Usage and administration the Working Child's Income*

The wages, salaries, earnings and other income of the working child shall belong to him/her in ownership and shall be set aside primarily for his/her support, education or skills acquisition and secondarily to the collective needs of the family: Provided, That not more than twenty percent (20%) of the child's income may be used for the collective needs of the family. [...]

### *Section 12D - Prohibition Against Worst Forms of Child Labor*

[...] (1) All forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003" [...]

(2) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or

(3) The use, procuring or offering of a child for illegal or illicit activities, [...]

(4) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, [...]

Section 4 - Section 13 of the same Act is hereby amended to read as follows:

### *Section - 13 Access to Education and Training for Working Children*

a) No child shall be deprived of formal or non-formal education. [...] the employer shall provide a working child with access to at least primary and secondary education.

b) [...] the Department of Education (DEPED) shall: (1) formulate, promulgate, and implement relevant and effective course designs and educational programs; (2) conduct the necessary training for the implementation of the appropriate curriculum for the purpose; (3) ensure the availability of the needed educational facilities and materials; [...]

# Migrant Workers and Overseas Filipinos Act of 1995

1995

## Section 2 Declaration of Policies

- a. In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular.
- b. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers.
- c. While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development.
- d. The State affirms the fundamental equality before the law of women and men and the significant role of women in nation-building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers.
- e. Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any persons by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, documented or undocumented, are adequately protected and safeguarded.
- f. The right of Filipino migrant workers and all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed.
- g. The State recognizes that the ultimate protection to all migrant workers is the possession of skills. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only to skilled Filipino workers.
- h. Non-governmental organizations, duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare, the State shall cooperate with them in a spirit of trust and mutual respect.
- i. Government fees and other administrative costs of recruitment, introduction, placement and assistance to migrant workers shall be rendered free without prejudice to the provision of Section 36 hereof. [...]



courtesy of IDP Norway

Republic Act No. 9231 - Worst Forms of Child Labour  
[http://www.ops.gov.ph/records/ra\\_no9231.htm](http://www.ops.gov.ph/records/ra_no9231.htm)

Migrant Workers and Overseas Filipinos Act of 1995:  
<http://www.poea.gov.ph/rules/ra8042.html>



## Section 4 - Acts of Trafficking in Persons

[...] (a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

© To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

(e) To maintain or hire a person to engage in prostitution or pornography;

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and

(h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

## Section 5 - Acts that Promote Trafficking in Persons

[...] (a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;

(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

(c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;

(d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide predeparture registration and services for departing persons for the purpose of promoting trafficking in persons;

(e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;

(f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons [...]; and

(g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.



## Section 4 Discriminatory Practices

It shall be unlawful for any person, natural or juridical, to:

- a. Deny access to public service, including military service, to any person on the basis of sexual orientation and/or gender identity;
- b. Include sexual orientation and gender identity, as well as the disclosure of sexual orientation, in the criteria for hiring, promotion and dismissal of workers, and in the determination of employee compensation, training, incentives, privileges, benefits or allowances, and other terms and conditions of employment; [...]
- c. Refuse admission or expel a person from educational institutions on the basis of sexual orientation and gender identity, without prejudice to the right of educational institutions to determine the academic qualifications of their students; [...]
- d. Refuse or revoke the accreditation, formal recognition, and / or registration of any organization, group, institution or establishment, in educational institutions, workplaces, communities, and similar settings, solely on the basis of the sexual orientation or gender identity of their members or of their target constituencies; [...]
- e. Deny a person access to medical and other health services open to the general public on the basis of such person's sexual orientation or gender identity;
- f. Deny an application for or revoke a professional license issued by the government due to the applicant's sexual orientation or gender identity;
- g. Deny a person access to or the use of establishments, facilities, utilities or services, including housing, open to the general public on the basis of sexual orientation or gender identity; There is a denial when a person is given inferior accommodations or services; [...]
- h. Deny an application for a license, clearance, certification or any other

document issued by governmental authorities or other entities on the basis of the applicant's sexual orientation or gender identity, as provided by existing laws;

- i. Subject or force any person to any medical or psychological examination to determine and / or alter the person's sexual orientation or gender identity without the expressed approval of the person involved, except in cases where the person involved is a minor under the age of discernment in which case prior approval of the appropriate family court shall be required. In the latter case, the child shall be represented in the proceeding by the solicitor general or the latter's authorized representative;
- j. Harassment by members of institutions involved in the enforcement of law and the protection of rights, such as the philippine national police and the armed forces of the Philippines, of any person on the basis of his or her sexual orientation or gender identity. [...]
- k. Other analogous circumstances.



courtesy of IDP Norway

Anti-Trafficking in Persons Act:  
<http://www.dswd.gov.ph/download.php?catid=1>

Anti-Discrimination Act:  
[http://www.remedios.com.ph/fhtml/legislation\\_hb2784.htm](http://www.remedios.com.ph/fhtml/legislation_hb2784.htm)

# Convention on the Elimination of All Forms of Discrimination against Women

## Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

## Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

## Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

- (d) The same opportunities to benefit from scholarships and other study grants;

- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

- (g) The same Opportunities to participate actively in sports and physical education;

- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

## Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

## Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## Beijing Declaration of the 4<sup>th</sup> Conference on Women 1995

27. Promote people-centred sustainable development, including sustained economic growth, through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women;

30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;

32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;

34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.



Full version:

<http://www.ohchr.org/english/law/pdf/cedaw.pdf>

Further information:

UN: <http://www.un.org/womenwatch/daw/beijing/platform>

UN: <http://www.un.org/womenwatch/daw/beijing/index.html>

UNGEI: <http://www.ungei.org>

UNIFEM: <http://www.unifem.org>

UNFPA: <http://www.unfpa.org>





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United Nations  
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UNESCO Bangkok  
920 Sukhumvit Road, Prakanong, Bangkok 10110, Thailand  
E-mail: [publications@unescobkk.org](mailto:publications@unescobkk.org) Website: [www.unescobkk.org](http://www.unescobkk.org)  
Tel: +66 2 3910577 Fax: +66 2 3910866